
INTRODUCTION

Nonrecurring Adoption Expenses (NRE) program eligibility is based on specific eligibility requirements. Michigan law (MCL 400.115f, I) and the state's federally approved title IV-E plan provide the basis for this policy. The eligibility requirements include:

- A determination by the state that the child meets the definition of special needs.
- A DHS-4113, Adoption Assistance Agreement, or DHS-4814, NRE Application/Agreement for a Child Without Support Subsidy, signed by the adoptive parent(s) and the adoption subsidy program manager or DHS designee **prior** to the final order of adoption.

After eligibility is determined and the agreement is signed by the adoptive parent(s) and the adoption subsidy program manager or DHS designee, the Adoption Subsidy Office will determine allowable expenses claimed by the adoptive parent(s) or a third party that incurred expenses on behalf of the adoptive parent(s); see AAM 310, Nonrecurring Adoption Expenses Claim/Reimbursement.

Nonrecurring adoption expenses claims must be submitted to the Adoption Subsidy Office within two (2) years after the date of the final order of adoption; see AAM 310.

Michigan Special Needs Requirements

Michigan has specific requirements to meet both the federal definition and the state's special needs eligibility criteria.

At the time of eligibility determination, the child must be a child with special needs. A child is considered a child with special needs if the Department of Human Services (DHS) has determined all of the following:

1. The child is **under age 18**.
2. The parental rights to the child have been terminated.
 - If an American Indian child can be adopted in accordance with tribal law without a termination of parental rights and the tribe has documented the valid reason why the child

cannot or should not be returned to the home of the parents, termination is not required.

3. The child has **one** of the following **specific factors or conditions**:

- Eligibility for Supplemental Security Income (SSI), based solely on the medical and disability requirements without regard to the SSI income requirements, as determined by the Social Security Administration.
- A DHS foster care level II or above Determination of Care (DOC) rate that meets all of the following:
 - Documented by the DHS-470, 470A, or 1945, and
 - Supported by the current foster care updated service plan (USP/PWSP), and
 - Approved in accordance with DHS foster care policy.
- The child is at least age three.
- The child is being adopted by a relative (within the 5th degree of consanguinity); see CFS Glossary.
- The child is being adopted by the parents of his/her previously adopted sibling.
- The child is a member of a sibling group being adopted together and at least one sibling group member has been determined eligible for nonrecurring adoption expenses and/or adoption support subsidy as an individual.

4. An effort to place the child without providing financial assistance is demonstrated by the adoptive parent(s) signature(s) in Section 1 of the DHS-4081, Adoption Assistance and Nonrecurring Adoption Expenses Intent Statement, or on the DHS-4814, Nonrecurring Adoption Expenses Application/Agreement for a Child Without Support Subsidy.

**Title IV-E Funding
Requirements For
Nonrecurring
Expenses**

In addition to the child's special needs eligibility requirement, title IV-E funding requires the following criteria be met for NRE program eligibility:

- The child must be a U.S. citizen or qualified alien; see FOM 902.
- Background checks for all adults in the adoptive household must be completed. Details of the required background checks are in ADM 0520.
- Adult members of the adoptive household must not have any felony convictions for any of the following crimes:
 - Child abuse/neglect.
 - Spousal abuse.
 - A crime against children (including child pornography).
 - A crime of violence involving rape, sexual assault, or homicide but not including other physical assault or battery.
 - Within the last five years only: physical assault or battery, or a drug-related offense.

Nonrecurring adoption expenses reimbursement cannot be paid unless the above title IV-E funding requirements are met.

**Adoption by
Birth/Legal
Parent(s)**

Nonrecurring adoption expenses must not be approved for adoption by the child's biological parent(s) or legal parent(s) whose rights were previously terminated.

**Non-Michigan
Ward**

If another state has responsibility for the placement and care of a ward, that state is responsible for determining the child's eligibility,

entering into an adoption assistance agreement and paying any qualifying nonrecurring adoption expenses reimbursement, even if the child is placed in an adoptive home in another state. If the other state does not have responsibility for placement and care of a child from that state, it is the prospective adoptive parents' state of residence where the application should be made. In that event, the public child welfare agency in the adoptive parents' state of residence is responsible for determining the child's eligibility, entering into the adoption assistance agreement and paying the nonrecurring adoption expenses.

Title IV-E prohibits the payment of title IV-E adoption assistance on behalf of an applicable child who is not a citizen or resident of the United States (U.S.) and was either adopted outside the U.S. or brought to the U.S. for the purpose of being adopted.

Application Process

Applications for nonrecurring adoption expenses eligibility must be submitted to the Adoption Subsidy Office, and an agreement must be signed by the adoptive parent(s) and the adoption subsidy program manager or DHS designee **prior** to the final order the adoption.

Concurrent with adoption support subsidy application:

- The adoption worker completes the DHS-1341, Adoption Assistance/or Medical Subsidy Application, and submits it to the Adoption Subsidy Office. The prospective adoptive parent(s) must sign section 1 of the DHS-4081, Adoption Assistance Intent Statement, in order to request NRE. Specific information provided for adoption support subsidy eligibility and title IV-E funding eligibility will also be used to determine NRE eligibility.

Without concurrent adoption support subsidy application:

- The adoption worker and the adoptive parent(s) complete and submit the DHS-4814, NRE Application /Agreement for A Child Without Support Subsidy.
- The DHS-4814, NRE Application/Agreement, must be signed by the prospective adoptive parent(s) requesting NRE.

- The DHS-4814 must be received by the Adoption Subsidy Office at least 30 calendar days prior to the final order of adoption date.

Agreement

A written agreement between the parent(s) and the department setting forth the nature of the payment and the claim process must be signed by both the adoptive parent(s) and the adoption subsidy program manager or DHS designee prior to the final order of adoption. The signed original agreement will be given to the adoptive parent.

- For children with approved adoption support subsidy, the agreement is the DHS-4113, Adoption Assistance Agreement.
- For children without approved adoption support subsidy, the agreement is the DHS-4814, Nonrecurring Adoption Expenses Application/Agreement for a Child Without Support Subsidy.

Detailed information about the agreement is in AAM 500, Adoption Subsidy Agreements - All Programs.